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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial Number: 10/070,293
 Filing Date: March 5, 2002
 Applicant(s): Zilka et al.
 Title: Device, System and Method for On-Line Explosive Deslagging
 Group Art Unit: 3749
 Examiner: Jiping Lu

Information Disclosure Statement and Issue Fee Transmittal

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

Attached is a completed substitute form PTO-1449A (1 sheet patent documents), the foreign patent reference cited thereon, and an English-language translation thereof. This is being submitted simultaneously with the payment of the issue fee, and is governed by the provisions of MPEP 609 III(B)(3). Attached also is the issue fee transmittal (part B), and a credit card payment form for \$845, consisting of the \$665 issue fee plus the \$180 fee for submission of an Information Disclosure Statement set forth in 37 CFR 1.17(p).

Pursuant to 37 CFR 1.97(e)(2), I hereby certify and declare that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the statement.

The reference disclosed herein, JP H4-155200A, dated May 28, 1992, merely discloses a cooled explosive tube very similar to those disclosed in US 2,840,365 issued June 24, 1958 and in LU 41977 published August 30, 1962, each of which are already of record in this case and each of which is discussed extensively in the application disclosure. Indeed, if one compares Figures 2 and 3 of JP H4-155200A with the drawings of US 2,840,365 and LU 41977, it is apparent that JP H4-155200A is little more than an attempt to improve on these earlier cooling tubes. JP H4-155200A, similarly to US 2,840,365 and LU 41977, is a fixed-position, non-mobile cooling tube that is "set at a predetermined place." It does not disclose or suggest or motivate applicant's claimed invention for many of the same reasons set forth in applicant's disclosure vis-à-vis US 2,840,365 and LU 41977.

Applicant therefore looks forward to receiving confirmation of the consideration of this reference by examiner Lu, and to the issuance of a patent over this reference soon thereafter.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Very truly yours,

Jay R. Yablon
 Registration # 30604

CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office Fax Number 703-746-4000 on the transmission date of January 16, 2004, pursuant to 37 CFR 1.8.

Name of Person signing this certificate: Jay R. Yablon

(signature)

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